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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. 2013-737

13 **SUMMER VANESSA DORMAN**

STATEMENT OF ISSUES

14 **Registered Nurse License Applicant**

15 Respondent.

16 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

17 **PARTIES**

18 1. Complainant brings this Statement of Issues solely in her official capacity as the
19 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (the
20 "Board").

21 **Application History**

22 2. On or about April 10, 2012, the Board of Registered Nursing received an application
23 for a Registered Nurse License from Summer Vanessa Dorman ("Respondent"). On or about
24 February 16, 2012, Summer Vanessa Dorman certified under penalty of perjury to the
25 truthfulness of all statements, answers, and representations in the application.

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1 **JURISDICTION**

2 3. Pursuant to Business and Professions Code ("Code") section 485, subdivision (b), on
3 or about August 8, 2012, the Board denied Respondent's application and she was notified of the
4 right to a hearing to appeal the denial.

5 4. On or about October 1, 2012, an attorney representing Respondent requested a
6 hearing to appeal the denial of her application.

7 **STATUTORY PROVISIONS**

8 5. Code section 2736 provides, in pertinent part, that the Board may deny a license when
9 it finds that the applicant has committed any acts constituting grounds for denial of licensure
10 under Code section 480.

11 6. Code section 2761 states, in pertinent part:

12 The board may take disciplinary action against a certified or licensed nurse or
13 deny an application for a certificate or license for any of the following:

14 (a) Unprofessional conduct. . . .

15 (f) Conviction of a felony or of any offense substantially related to the
16 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

17 7. Code section 2762 states, in pertinent part:

18 In addition to other acts constituting unprofessional conduct within the meaning
19 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do any of the following:

20 (b) Use any controlled substance as defined in Division 10 (commencing with
21 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
22 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
dangerous or injurious to himself or herself, any other person, or the public or to the
23 extent that such use impairs his or her ability to conduct with safety to the public the
practice authorized by his or her license.

24 (c) Be convicted of a criminal offense involving the prescription, consumption,
25 or self-administration of any of the substances described in subdivisions (a) and (b) of
this section, or the possession of, or falsification of a record pertaining to, the
26 substances described in subdivision (a) of this section, in which event the record of
the conviction is conclusive evidence thereof.

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1 8. Code section 480 states, in pertinent part:

2 (a) A board may deny a license regulated by this code on the grounds that the
3 applicant has one of the following:

4 (1) Been convicted of a crime. A conviction within the meaning of this section
5 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
6 Any action that a board is permitted to take following the establishment of a
7 conviction may be taken when the time for appeal has elapsed, or the judgment of
8 conviction has been affirmed on appeal, or when an order granting probation is made
9 suspending the imposition of sentence, irrespective of a subsequent order under the
10 provisions of Section 1203.4 of the Penal Code.

11 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
12 substantially benefit himself or herself or another, or substantially injure another.

13 (3)(A) Done any act that if done by a licentiate of the business or profession in
14 question, would be grounds for suspension or revocation of license.

15 (B) The board may deny a license pursuant to this subdivision only if the crime
16 or act is substantially related to the qualifications, functions, or duties of the business
17 or profession for which application is made.

18 **FIRST CAUSE FOR DENIAL OF APPLICATION**

19 **(Conviction of a Crime)**

20 9. Respondent's application is subject to denial under Code sections 2761,
21 subdivision (f), and 480, subdivision (a)(1), in that Respondent was convicted of crimes that are
22 substantially related to the qualifications, functions, or duties of a licensed registered nurse, as
23 follows:

24 a. On or about July 7, 2008, in the case of *People v. Summer Vanessa Dorman* (Superior
25 Court, Butte County, Case No. SCR66394), Respondent was convicted by the court on her plea
26 of no contest of violating Vehicle Code section 23103/23103.5 (reckless driving substituted for a
27 plea of guilty of violating Vehicle Code section 23152, subdivision (b) for driving under the
28 influence of alcohol with a prior conviction for same), a misdemeanor. The circumstance of the
crime is that on or about April 4, 2008, Respondent drove a vehicle while having a blood alcohol
level of .14%.

b. On or about November 8, 2005, in the case of *People v. Summer Vanessa Dorman*
(Superior Court, Butte County, Case No. SCR50135), Respondent was convicted by the court on
her plea of no contest of violating Vehicle Code section 23103/23103.5 (reckless driving

1 substituted for a plea of guilty of violating Vehicle Code section 23152 for driving under the
2 influence of alcohol), a misdemeanor. The circumstance of the crime is that on or about May 25,
3 2005, Respondent drove a vehicle while having a blood alcohol level of .12%.

4 **SECOND CAUSE FOR DENIAL OF APPLICATION**

5 **(Committed Acts Which If Done By a Licentiate)**

6 10. Respondent's application is subject to denial under Code section 480,
7 subdivision (a)(3)(A), in that she committed acts, which if done by a licentiate of the profession
8 would constitute grounds for discipline under the Code, as follows:

9 a. As set forth above in paragraph 9, subparagraphs a and b:

- 10 i. **Section 2761, subdivision (f)**, Respondent was convicted of crimes substantially
11 related to the qualifications, functions or duties of a license holder;
12 ii. **Section 2762, subdivision (b)**, Respondent was convicted of crimes involving
13 the consumption of alcohol; and,
14 iii. **Section 2762, subdivision (c)**, Respondent used alcoholic beverages to an extent
15 or in a manner dangerous or injurious to herself and the public, in that she drove
16 a vehicle while under the influence of alcohol.

17 **PRAYER**

18 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Denying the application of Summer Vanessa Dorman for a Registered Nurse License;
21 and,

22 2. Taking such other and further action as deemed necessary and proper.

23 DATED: March 12, 2013

24 Louise R. Bailey
25 LOUISE R. BAILEY, M.ED., R.N.
26 Executive Officer
27 Board of Registered Nursing
28 State of California
Complainant

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